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H – 983

International Court of Justice

Com. B.
Winkler
26 June 1946
First take - page 1
1000 - 1130 hours
Walle

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Regular heading

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26 June 1946

COMMISSIONER:

Mr. George R. Taylor

THE SA

WITNESS: Dr. Richard WALLE

(The Commission convened at 1015 hours)

MR. MARRECO: Cross examination of the witness, Walle, who speaks for the Reitercorps of the SA was interrupted yesterday afternoon, because the defense took objection to the witness being surprised by a document which they had not ~~give~~ been given notice by the prosecution, and that objection, through a misunderstanding on the part of the Commission sitting, was sustained, and the hearing of the witness was adjourned. It was regrettable that time has been wasted in that way. It is necessary that the document be processed, and it is not quite ready, but will be ready soon, and it is asked that the examination of the witness be resumed later. The position this morning is that two witness are partly heard, and I ask that we start with the other witness, Rathcke, who speaks for the church.

MR. TAYLOR: How far did you get with the other witness yesterday?

MR. MARRECO: Rathcke is halfway through his examination in chief, and this ~~examin~~ witness is halfway through his cross examination.

MR. TAYLOR: You are not ready to finish this?

MR. MARRECO: No, I'm not.

DR. BOEHM: I have no objection to the prosecution's proposal, but I would like to say that there were two other delays in hearings, and the first case was the fault of the prosecution which took place in 196, and the prosecution failed tosubmit cross examination. The mistake at that time resulted in the fact that there were two witnesses, Klaehn and Bach, were not heard at all, and the hearing of this witness too will be delayed for a long time. The taking

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of evidence of organizations shall probably be terminated by July 5. This handling of affaris will lead to our being unable to hear all witnesses before July 5. I do not wish to make any further objections at this point. I agree that the hearing of Dr. Walle will be postponed until the processing of the document has been completed and transcribed.

MR. MARRECO: With great respect, I really must be allowed to point out that it is entirely the fault of the defense that time has been wasted. They took the objection which had no foundation at all, and they misrepresented to the Commissioner sitting, Mr. Rasamov, a decision of the Tribunal to the effect that witnesses could not be surprised by the document in the ~~xxxx~~ cross examination.

MR. TAYLOR: Is it possible that we can proceed with this witness without the document?

MR. MARRECO: It just remains to put to him this one document. I was completing my cross examination by putting two documents which are articles from the publication "The SA Man." They object because they ~~xxxx~~ had no previous notice of it. The documents are now being properly processed. I ask that this witness be held outside this room and as soon as they are received we will call him and I will complete my cross examination.

MR. TAYLOR: Has the defense attorney seen these documents?

MR. MARRECO: The defense ~~xxxxxxxx~~ attorneys haven't seen the document, and of course it will be highly improper for them to see them until they are put to the witness.

DR. BOEHM: The defense should see the documents at the same time as the witness sees them, and the prosecution has stated that they will be shown to us properly.

MR. TAYLOR: Are we ready for the other witness?

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DR. LOEFFLER: Yes. I would like to make only one statement. The prosecution has reopened the discussion today which we ~~xxxxxxxxxxxxxxxxxx~~ conducted yesterday for over thirty minutes. The Commissioner sustained our objection yesterday, and therefore ruled that our objection could not be stated that the delay is our fault.

MR. MARRECO: I do consider this important. The Commissioner sustained that objection on a misunderstanding. The Commissioner ~~sitting~~ was not familiar with the rules of cross examination.

MR. TAYLOR: Let the witness Walle be excused from the courtroom, and we will continue with the other witness.

DR. LOEFFLER: When ~~xxxxxxxx~~ will those documents be available.

MR. MARRECO: In a half hour.

DR. LOEFFLER: Should he be heard this afternoon or this morning.

MR. MARRECO: That depends how long Rathcke is going to take.

MR. TAYLOR: We are going to finish with him this morning. We must do it.

MR. MARRECO: Would defense indicate how long he will be with Rathcke. Then I can say how long I will be with cross examination.

DR. BOEHM: Probably about thirty or fouty-five minutes.

MR. MARRECO: I don't anticipate my cross examination will be more than a half hour.

~~MR. TAYLOR: The witness will be excused until later.~~

MR. TAYLOR: This witness may be excused until later.

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The foregoing is a true and correct transcript of the testimony of DR. RICHARD WALLE, taken on 26 June 1946.

Bernice Winkler
Reporter (pp 1-3

CERTIFIED TO :

Geo. R. Taylor
Commissioner

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OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 of the ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

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MR. TAYLOR: Let the witness Walle be excused from the courtroom, and we will continue with the other witness.

DR. LOEFFLER: When will those documents be available?

MR. MARRECO: In a half hour.

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